

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARTHA MARIE FLANAGAN,

Plaintiff,

v.

KELLY R. JOHNSTON, et al.,

Defendant.

CASE NO. C24-5313 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Fricke's Report and Recommendation (R&R), Dkt. 5, recommending the Court deny pro se plaintiff Martha Marie Flanagan's application to proceed *in forma pauperis*, Dkt. 1, and dismiss the case without prejudice and without leave to amend, for failure to state a plausible claim and for failure to respond to the Court's Order to Show Cause, Dkt. 2.

A district judge must determine de novo any part of a magistrate judge's proposed disposition to which a party has properly objected. It must modify or set aside any portion of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The district judge may accept, reject, or modify the recommended disposition; receive further

1 evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P.
2 72(b)(3).

3 A proper objection requires “specific written objections to the proposed findings
4 and recommendations” in the R&R. Fed. R. Civ. P. 72(b)(2). In providing for a de novo
5 determination, Congress “intended to permit whatever reliance a district judge, in the
6 exercise of sound judicial discretion, chose to place on a magistrate’s proposed findings
7 and recommendations.” *United States v. Raddatz*, 447 U.S. 667, 676 (1980) (internal
8 quotation marks omitted). Thus, the district court is required only to indicate that it
9 reviewed the record de novo and found no merit to the objections in order to summarily
10 adopt the R&R’s analysis. *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). The
11 district court is not obligated to “expressly address” every objection. *Id.* at 437.

12 Flanagan has not objected to the R&R, and as such has failed to establish that it is
13 clearly erroneous or contrary to law. It is not; Flanagan’s proposed complaint fails to
14 state a plausible claim against any defendant. The R&R is **ADOPTED**. Flanagan’s
15 application to proceed *in forma pauperis* is **DENIED** and the case is **DISMISSED**,
16 without prejudice and without leave to amend.

17 The Clerk shall close the case.

18 **IT IS SO ORDERED.**

19 Dated this 21st day of June, 2024.

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BENJAMIN H. SETTLE
United States District Judge